

ASSEMBLY BILL

No. 1744

**Introduced by Committee on Local Government (Caballero (Chair),
Houston (Vice Chair), De La Torre, Lieber, Saldana, Smyth, and
Soto)**

March 22, 2007

An act to amend Section 56663 of the Government Code, relating to local government reorganization.

LEGISLATIVE COUNSEL'S DIGEST

AB 1744, as introduced, Committee on Local Government. Local government reorganization.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. In the case of a petition for an annexation, a detachment, or a reorganization consisting solely of annexations or detachments, or both, signed by all of the landowners in the territory affected by the proposal, the local agency formation commission may approve or disapprove the proposal without notice or hearing, if prescribed conditions are met.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56663 of the Government Code is
2 amended to read:

56663. (a) If a petition for an annexation, a detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area is signed by all of the owners of land within the affected territory of the proposed change of organization or reorganization, or if a resolution of application by a legislative body of an affected district, affected county, or affected city making a proposal for an annexation or detachment, or for a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area is accompanied by proof, satisfactory to the commission, that all the owners of land within the affected territory have given their written consent to that change of organization or reorganization, the commission may approve or disapprove the change of organization or reorganization, without notice and hearing by the commission. In those cases, the commission may also approve and conduct proceedings for the change of organization or reorganization under any of the following conditions:

(1) Without notice and hearing.

(2) Without an election.

(3) Without notice, hearing, or an election.

(b) The executive officer shall give any affected agency mailed notice of the filing of the petition or resolution of application initiating proceedings by the commission. The commission shall not, without the written consent of the subject agency, take any further action on the petition or resolution of application for 10 days following that mailing. Upon written demand by an affected local agency, filed with the executive officer during that 10-day period, the commission shall make determinations upon the petition or resolution of application only after notice and hearing on the petition or resolution of application. If no written demand is filed, the commission may make those determinations without notice and hearing. By written consent, which may be filed with the executive officer at any time, a subject agency may do any of the following:

(1) Waive the requirement of mailed notice.

(2) Consent to the commission making determinations without notice and hearing.

(3) Waive the requirement of mailed notice and consent to the commission making determinations without notice and hearing.

1 (c) In the case of uninhabited territory, the commission may
2 waive protest proceedings pursuant to Part 4 (commencing with
3 Section 57000) entirely if both of the following apply:

4 (1) All the owners of land within the affected territory have
5 given their written consent to the change of organization or
6 reorganization.

7 (2) No subject agency has submitted written opposition to a
8 waiver of protest proceedings.

9 (d) In the case of inhabited city and district annexations or
10 detachments, or both, the commission may waive protest
11 proceedings pursuant to Part 4 (commencing with Section 57000)
12 entirely if both of the following conditions apply:

13 (1) The commission has provided written notice of commission
14 proceedings to all registered voters and landowners within the
15 affected territory and no written opposition from registered voters
16 or landowners within the affected territory is received prior to the
17 conclusion of the commission ~~meeting~~ *hearing*. The written notice
18 shall disclose to the registered voters and landowners that unless
19 written opposition is received regarding the proposal or the
20 commission's intention to waive protest proceedings, that there
21 will be no subsequent protest and election proceedings.

22 (2) No subject agency has submitted written opposition to a
23 waiver of protest proceedings.